



Legislation Text

File #: 090547, Version: 1

090547
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of West Whitaker Avenue from the westerly line of I-94 west to a point, in the 13th Aldermanic District.

This substitute resolution vacates the above right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Whereas, It is proposed that a portion of West Whitaker Avenue from the westerly line of I-94 west to a point be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of West Whitaker Avenue in the Southeast 1/4 of Section 19, Township 6 North, Range 22 East, described as follows: Commencing at the southeast corner of Lot 26 in Block 5 of Bolivar Manor Addition, a recorded subdivision, in said 1/4 Section; thence South 00°01'22" West 30.00 feet to a point; thence North 89°26'25" West 36.10 feet to a point; thence South 50°36'48" West 46.72 feet to a point in the south line of West Whitaker Avenue; thence North 89°26'25" West, along said south line, 61.21 feet to a point; thence North 63°35'39" East 132.31 feet to a point in the north line of West Whitaker Avenue; thence South 89°26'25" East, along said north line, 14.92 feet to the point of beginning is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging

to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

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10/15/09